

5/21/97

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

REC'D 4/10/97 W7C

In the Matter of )  
 )  
Electronic Filing of Documents ) GC Docket No. 97-113  
in Rulemaking Proceedings )

COMMENTS OF THE  
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

The National Telephone Cooperative Association ("NTCA") submits these comments to the Notice of Proposed Rulemaking ("NPRM") in the above proceeding, FCC 97-113, released April 7, 1997.

NTCA is a national association of approximately 500 local exchange carriers ("LECs"). These LECs provide telecommunications services to end users and interexchange carriers throughout rural and small-town America. NTCA members are scattered throughout the country. They are typically small carriers that serve no more than 50,000 access lines. Because the companies are located great distances away from the Commission's office and are small businesses with small staffs and limited resources, they stand to benefit from procedures that facilitate their participation in Commission proceedings without increasing the costs of that participation.

DISCUSSION

NTCA welcomes and applauds the Commission's proposal to initiate electronic filing in all informal notice and comment rulemaking proceedings conducted under section 553 of the Administrative Procedure Act. It also urges the Commission to gradually expand the number and types of proceedings in which it accepts electronic filings. Electronic filings will

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benefit the public by encouraging greater participation. This will provide the Commission the opportunity to receive information from a greater number of citizens representing broader segments of the public with varying interests. NTCA members, in particular, will benefit from electronic filing rules. Electronic filing will enable them to meet filing deadlines without having to bear the inconveniences and additional costs involved with paper filings that involve handling costs and the use of costly transportation or messenger charges. Members and the public will also be better informed and able to contribute information to assist the Commission in its deliberative process. They will have increased opportunities and the ability to read the comments of other parties once the Commission makes other parties' comments available for downloading.

NTCA urges the Commission to apply electronic filing procedures immediately to comments and replies in petitions for rulemaking and notices of inquiry. Widespread public input is particularly appropriate in these types of proceedings which often involve new developments or issues that are being investigated at an early stage. Notices of inquiry, in particular, involve proceedings that seek general and sometimes wide sweeping information from the public. Electronic filings should facilitate this type of information gathering by making it easier for many interested parties to transmit information to the Commission directly and with ease via the Internet. Rules providing for the immediate use of electronic filing of *ex parte* communications in rulemakings would also greatly benefit the public by facilitating timely and less costly filings and making the communications quickly available to the public.

Electronic filing should also permit the public to obtain the comments of other parties more conveniently and at less expense. NTCA urges the Commission to adopt rules providing for next day downloading of the comments of others. Systems and Commission rules should be designed to permit more convenient public access than existing paper systems that often involve long delays and costly retrieval options that limit public participation.

Despite NTCA's enthusiasm for electronic filings, it is concerned that the Commission's proposal for the filing time and date may be too rigid for now. Until the Commission is certain that network congestion will not occur, the rules should account for technological difficulties that are not the fault of the party attempting to transmit a filing. The rules should contain provisions that automatically permit filing on the next day or the day following resolution of a technological difficulty in the event a party is unable to file electronically as a result of congestion or technological difficulties attributable to the Commission's implementation or its systems. In these instances, parties should be permitted to file formally without the necessity of a motion for waiver or extension of time. The automatic one day extension will not prejudice other parties as most proceedings provide the opportunity of a reply and it is unlikely that parties would be advantaged by a one day delay.

It is also foreseeable that parties, particularly those in distant locations, may encounter technological difficulties due to reasons other than congestion after it is too late to meet paper deadlines. NTCA suggests that the Commission implement a simple notification or request for waiver procedure to accommodate cases where these difficulties are due to the

filing party's systems or that of third parties other than the Commission. Under this simple notification or waiver procedure, parties should be permitted to file electronically or by paper on the day after the filing deadline and the Commission should accept all filing thus made as long as the party submits a brief transmittal letter explaining the technological difficulty encountered.

The Commission also requests information on service requirements for the Bureau or Office handling a proceeding. NTCA agrees with the tentative conclusion that parties only submit one copy. Automatic distribution of that electronic copy by the Commission should satisfy service requirements of the Bureaus and Offices.

#### CONCLUSION

For the above stated reasons, NTCA urges the Commission to adopt rules that provide for electronic filings and also for simple waiver procedures in the event of technological difficulties that prevent transmission by the filing deadline.

Respectfully submitted,

NATIONAL TELEPHONE COOPERATIVE  
ASSOCIATION

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May 20, 1997

CERTIFICATE OF SERVICE

I, Rita H. Bolden, certify that a copy of the foregoing Comments of the National Telephone Cooperative Association in GC Docket No. 97-113 was filed electronically with the Federal Communications Commission and the Commission's copy contractor, International Transcription Services, Inc. on this 21st day of May 1997

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Rita H. Bolden